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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,903	10/30/2001	Cherisse M. Nicastro	TRIRG-01001US0	5789
28554	7590	06/05/2006	EXAMINER	
VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/015,903	NICASTRO ET AL.
	Examiner Cindy Nguyen	Art Unit 2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 and 41-51 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-39 and 41-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

This is response to amendment filed 03/15/06.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 9, 25 and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1 and 9, Data structures not claimed as embodied in computer readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structures functionality to be realized.

Regarding claims 1, 9, 25 and 38, the claims are not provide a practical application that produces a useful, tangible and concrete result, the claimed directed to

constructing and defining the item type template and not use to produces a useful result. A useful, concrete and tangible result must be either specifically recited in the claim or flow inherently therefrom.

1. *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. *Claims 1-39 and 41-51 are rejected under 35 U.S.C. 102(a) as being anticipated by Burke et al. (US 6789252) (hereafter Burke).*

Regarding claim 1, Burke discloses: An data structure for an asset management system stored in a data store, the asset including a plurality of physical items contained in the asset and defined in the data store, the structure comprising: at least one item type template (product model col. 38, lines 49-61, Burke) defining for a subset of physical items (the complex set of attribute of products)a plurality of data fields characterizing the definition for the item type (product)(col. 37, lines 65 to col. 38, lines 61, Burke);

At least one specification for each physical item, the specification comprising a plurality of data values provided in the plurality of data fields defining the item type, said data fields including: at least one attribute value characterizing the item (col. 38,

lines 8-14, Burke); at least one component value associating the at least one item type with a second item type (col. 13, lines 65 to col. 14, lines 2 and col. 38, lines 49-62, Burke).

Regarding claim 9, Burke discloses: A method for constructing data concerning item specifications in a system for managing an asset, the asset including a plurality of items comprising: providing a user data entry interface (fig. 22-28, 38, 39, Burke); defining at least one item specification template for collecting information from a user (col. 37, line 62 to col. 38, lines 15, Burke); receiving a plurality of data values(user input criteria), each value being provided into a data field of said at least one specification template on the interface(product model), wherein the plurality of data values comprise a specification for an item and each data field of the specification describes an attribute of the item (col. 18, lines 67 to col. 19, lines 27, Burke), and storing the specification into a database on a computer system (store in database in fig 30, Burke).

Regarding claims 2 and 10, all the limitations of these claims have been noted in the rejection of claims 1 and 9 above, respectively. In addition, Burke discloses: wherein the attribute comprises one of a group consisting of the following: a physical attribute of the item; and a functional attribute of the item (col. 37, lines 65 to col. 38, lines 15, Burke).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Burke discloses: wherein the specification further includes a virtual area association (fig. 55-58, 73, 76, 77, Burke).

Regarding claim 4, all the limitations of these claims have been noted in the rejection of claim 1 above. In addition, Burke discloses: further including an item type data structure, including attribute definitions (col. 13, lines 65 to col. 14, lines 2 and col. 38, lines 49-62, Burke), and component definitions (col. 13, lines 65 to col. 14, lines 2 and col. 38, lines 49-62, Burke).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Burke discloses: further including at least one history tracking field identifying changes to data in said other fields (col. 28, lines 55 to col. 29, lines 10, Burke).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 5 above. In addition, Burke discloses: wherein said history tracking field is updated based on a publication process (col. 24, lines 43-54, Burke).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Burke discloses: further including an item type defining said data fields for at least one item specification (col. 24, lines 43-54, Burke).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Burke discloses: further including a schedule definition comprising at least one specification (col. 42, lines 15-27, Burke).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Burke discloses: wherein the method further includes: storing an item object in the database (store in database in fig 30, Burke).

; creating a relationship between the item object and the specification (col. 38, lines 49-61, Burke); storing the relationship in the database (store in database in fig 30, Burke).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Burke discloses: wherein said step of providing occurs on a first computer and said step of storing occurs on a second computer (col. 33, lines 1-9, Burke).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 12 above. In addition, Burke discloses: wherein said step or providing includes providing said user data entry interface to a first computer and said step of receiving occurs on a second computer, and said first and second computers are coupled by a network (34, lines 20-36, Burke).

Regarding claims 14 and 26 , all the limitations of these claims have been noted in the rejection of claims 13 and 25 above, respectively. In addition, Burke discloses: wherein the network is the Internet (internet in fig. 30, 31, Burke).

Regarding claim 15, all the limitations of these claims have been noted in the rejection of claim 1 above. In addition, Burke discloses: wherein said step of providing comprises providing a template creation tool (col. 40, lines 46-61, Burke).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Burke discloses: wherein said step of providing comprises providing a specification creation tool (col. 40, lines 46-61, Burke).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Burke discloses: wherein said step of providing comprises providing a specification management tool (col. 40, lines 46-61, Burke)

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claims 1 and 9 above. It is therefore rejected as set forth above.

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 18 above. In addition, Burke discloses wherein said step of defining said template comprises: receiving general properties information; and receiving attribute information (col. 18, lines 67 to col. 19, lines 27, Burke).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Burke discloses wherein said step of defining further includes receiving component information (col. 13, lines 65 to col. 14, lines 2 and col. 38, lines 49-62, Burke).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 25 above. In addition, Burke discloses wherein said step of defining further includes receiving preferences information (col. 13, lines 65 to col. 14, lines 2 and col. 38, lines 49-62, Burke).

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Burke discloses: wherein said receiving step includes defining a configurable data object by performing at least one of a group

consisting of the following: defining the configurable data object (col. 38, lines 49-61, Burke); adding an attribute to the configurable data object; modifying an attribute of the configurable data object; and removing an attribute from the configurable data object (col. 41, lines 56 to col. 42, lines 6, Burke).

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Burke discloses: wherein the method includes the sub-step of configuring a configurable data object (col. 34, lines 20-65, Burke)

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Burke discloses: wherein the configurable data object comprises a specification for the item (col. 34, lines 20-65, Burke)

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Burke discloses: wherein the steps of providing and receiving are performed on a computer coupled to a network (fig. 30, Burke).

Regarding claim 27, all the limitations of this claim have been noted in the rejection of claim 25 above. In addition, Burke discloses: wherein the step of receiving is performed by receiving data from an item management application provided as part of the data entry interface((col. 34, lines 20-65, Burke)).

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claims 1 and 9 above. It is therefore rejected as set forth above.

Regarding claims 29 and 36, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. In addition, Burke discloses

wherein said step (b) comprises providing an item specification publisher (col. 16, lines 16-31, Burke).

Regarding claims 30 and 37, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. In addition, Burke discloses wherein said step (b) comprises providing an item specification schedule builder (col. 42, lines 15-27, Burke).

Regarding claims 31 and 38, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. In addition, Burke didn't disclose: wherein said step (b) comprises providing an attribute manager. On the other hand, Burke discloses: providing an attribute manager (col. 52, lines 65 to col. 53, lines 41, Burke).

Regarding claims 32 and 39, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. In addition, Burke discloses wherein said step (b) comprises providing a component manager (col. 52, lines 50-63, Burke).

Regarding claim 33 , all the limitations of this claim have been noted in the rejection of claim 28 above. In addition, Burke discloses: comprises providing an item specification creation wizard (col. 52, lines 66 to col. 53, lines 42, Burke).

Regarding claim 34, all the limitations of this claim have been noted in the rejection of claim 28 above. In addition, Burke discloses wherein said step (c)

comprises receiving data from the item specification management toolset including one of at least attribute data or component data (col. 13, lines 65 to col. 14, lines 12 and col. 38, lines 49-62, Burke).

Regarding claim 35, all the limitations of this claim have been noted in the rejection of claim 25 above Burke discloses: A system for defining and managing an asset, including a plurality of items associated with the asset (product specifications store in database in fig. 30, Burke), comprising: a data store for item specification data provided (product specifications store in database in fig. 30, Burke) on a host computer (product specifications store in database in fig. 30, Burke) coupled to a network (network in fig. 30, Burke); and a data input toolset (user input in the data field on the product model, col. 18, lines 65 to col. 19, line 27, Burke) comprising at least an item specification creation tool, type manager and an item specification manager (col. 52, lines 50-63, Burke).

Regarding claim 41, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: wherein the data store and the data input toolset are provided on the host computer (col. 31, lines 42-59, Burke).

Regarding claim 42, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: wherein the data store is provided on the host computer and the data input toolset is provided to a second, client computer (col. 31, lines 42-59, Burke).

Regarding claim 43, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: wherein the toolset is provided by an applications server computer (col. 31, lines 42-59, Burke).

Regarding claim 44, all the limitations of this claim have been noted in the rejection of claim 42 above. In addition, Burke discloses: wherein the host computer is coupled to the Internet and the data input toolset is provided to a client computer via the Internet (fig. 30, 31, Burke).

Regarding claim 45, all the limitations of this claim have been noted in the rejection of claim 42 above. In addition, Burke discloses: wherein the host computer is coupled to the Internet and the data store is accessible by a plurality of clients via the Internet (fig. 30, 31, Burke).

Regarding claim 46, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: further including a specification reference tracking facility (col. 52, lines 62 to col. 53, lines 41, Burke).

Regarding claim 47, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: further including a linking facility allowing project participants to link project areas to item specification data (col. 40, lines 40-46, Burke).

Regarding claim 48, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: further including a

permissions facility regulating the actions of project participants with respect to item specification data in the data store (fig. 58, Burke).

Regarding claim 49, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: further including an approval routing tool based on a publication of at least one item specification (col. 26, lines 50-63, Burke).

Regarding claim 50, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: further including a notification tool linked to specific actions affecting data in the data store (col. 5, lines 36-45, Krause) and providing notifications to project participants when specific actions occur as defined by a user set business rules (col. 45, lines 45-60, Burke).

Regarding claim 51, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Burke discloses: further including a history tracking system tracking changes to data in the data store (col. 48, lines 10-14, Burke).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cn
Cindy Nguyen
May 18, 2006

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER